

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHARLES ELLIS SHIRLEY	§	
VS.	§	CIVIL ACTION NO. 6:10CV331
SHERIFF, HENDERSON COUNTY JAIL	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Charles Ellis Shirley, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered petition for a writ of habeas corpus. The petition was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the petition should be denied and the matter dismissed without prejudice. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such motion, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Specifically, the Petitioner essentially restates his entire argument on the merits, but wholly fails to address the basis of the Magistrate Judge's Report and Recommendation, that his case is moot and therefore this Court is deprived of jurisdiction. *See Adair v. Dretke*, 150 Fed. Appx. 329, 331 (5th Cir. Oct. 6, 2005) (*per curiam*) (quoting *Goldin v. Bartholow*, 166 F.3d 710, 717 (5th Cir. 1999)). For the same reason, his request for an evidentiary

hearing is without foundation. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

ORDERED that the Petitioner's **ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** without prejudice.

SIGNED this 14th day of September, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE